

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) **MAIL STOP MISSING PARTS**
)
 KOEHLE et al.)
)
 Serial No. 10/816,905)
)
 Filed: September 30, 2004)
)

For: METHOD OF INDUCING THE VIRUS RESISTANCE OF PLANTS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, PO Box 1450, Alexandria, VA 22313-1450, on:

SEPTEMBER 12, 2004

Date of Deposit KAREN STAMPER
Person Making Deposit Karen Stamper
Signature Karen Stamper
Date of Signature SEPTEMBER 12, 2004

Honorable Comm'r. of Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS

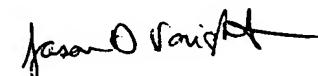
Sir:

In response to the Notice to File Missing Parts dated October 12, 2004, applicants urge that said Notice was sent in error as the Declaration was enclosed with the application filing papers. Applicants enclose a copy of the Declaration along with the cover sheet for this application indicating that the Declaration was included. Inasmuch as the Declaration references PCT International Application PCT/EP01/04889, filed April 30, 2001, and said International Application is not missing any pages, no further declaration should be necessary. Furthermore, the cover sheet of the present application indicates that the entire disclosure of the parent application is incorporated by reference herein. Therefore, the Declaration covers page 19,

submitted September 29, 2004 (certificated of mailing).

Applicants urge that no fee should be due. Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
KEIL & WEINKAUF



Jason D. Voight
Reg. No. 42,205

1350 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 659-0100

JDV/kas



O NOV 15 2004 SC150
PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Page 1 of 2
IFW

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/816,905	09/30/2004	Harald Kohle	51360

CONFIRMATION NO. 2628

Herbert B. Keil
KEIL & WEINKAUF
1350 Connecticut Ave., N.W.
Washington, DC 20036

RECEIVED

OCT 12 2004

FORMALITIES LETTER



OC000000014061313

Date Mailed: 10/12/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration does not cover the newly submitted items.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE